



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 13, 2007

VI.4

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATIONS PA-01-03 AND PA-01-04 (TIME EXTENSION)
2059 HARBOR BOULEVARD**

DATE: AUGUST 2, 2007

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

The applicant is requesting approval of a one-year time extension for the following applications:

PLANNING APPLICATION PA-01-03

Conditional use permit to allow motor vehicle sales at the front (Harbor Boulevard end) of the lot with an administrative adjustment to deviate from landscape setbacks for auto display.

PLANNING APPLICATION PA-01-04

Conditional use permit to legalize outdoor storage of motor vehicles at the rear (Charles Street end) of the lot.

APPLICANT

The applicant is Patrick Shea, representing the property owner, Beacon Bay Enterprises, Inc.

RECOMMENDATION

Approve extension to September 4, 2008, by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Assistant Dev. Svs. Director

BACKGROUND/ANALYSIS

The subject site, which is vacant, was utilized as a car wash and gas station (Beacon Bay Auto Wash) from 1961 to 2001. A small take-out restaurant also existed on the property. Robins Properties (Theodore Robins Ford) is in escrow to purchase the property from Beacon Bay Enterprises, Inc.

On July 23, 2001, the Planning Commission considered the following planning applications for the subject property:

PA-01-03 for the front (Harbor Boulevard) half of the lot:

Approval of a conditional use permit to allow motor vehicle sales with an administrative adjustment to deviate from front landscape setbacks for auto display purposes (20-foot front landscape setback required, 15-foot landscape setback proposed).

PA-01-04 for the rear (Charle Street) half of the lot:

Approval of a conditional use permit to legalize outdoor storage of motor vehicles with an administrative adjustment to deviate from rear landscape setbacks (15-foot rear landscape setback required, 10-foot landscape setback proposed). Planning Commission approved PA-01-04 with respect to the vehicle storage, but denied the applicant's request to deviate from the required 15-foot rear landscape setback requirement. As part of the project approval, vehicle access to the site from Charle Street was limited to a single driveway.

A copy of the original Planning Commission staff report is attached to this report for reference.

Commission's approval of the applications was appealed by a Council member. City Council upheld the approval of the project on September 4, 2001. Since the project approval, the applicant has been requesting one-year extensions of time to keep the project approval valid while the site is being remediated for soil and groundwater contamination.

Escrow on the property cannot close until the site remediation has been completed and a closure letter issued by the County. Remediation of the site is ongoing; a copy of the latest groundwater monitoring report is attached to this report for reference. According to the soils engineer that prepared the report, completion of the site remediation will take approximately 12 to 18 months. There have been no changes in the City Codes that affect the project as originally approved.

GENERAL PLAN CONFORMITY

The property has a General Plan designation of General Commercial. Under the General Plan designation, commercial uses are allowed. As a result, the use conforms to the City's General Plan.

ENVIRONMENTAL DETERMINATION

The project is exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act.

ALTERNATIVES

If the time extension were not approved, the original approvals would expire and the proposed uses could not be established on the property. The applicant could file a new application after six months.

CONCLUSION

It is staff's opinion that the time extension requested by the applicant should be granted to allow the cleanup of the site to be completed and the project to move forward.

Attachments: Extension Request
 Remediation Status Report
 Draft Planning Commission Resolution
 Exhibit "A" – Findings (PA-01-03)
 Exhibit "B" – Conditions (PA-01-03)
 Exhibit "A" – Findings (PA-01-04)
 Exhibit "B" – Conditions (PA-01-04)
 Original Planning Commission Staff Report
 Planning Commission Minutes for July 23, 2001
 City Council Resolutions
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Patrick Shea
 Beacon Bay Enterprises, Inc.
 1600 Sunflower Avenue, Suite 110
 Costa Mesa, CA 92626

Wesley N. Taylor Company
 Attn: Yvonne Duhl
 180 Newport Center Drive, Suite 181
 Newport Beach, CA 92660

Robins Properties
 2060 Harbor Boulevard
 Costa Mesa, CA 92627

Extension Request

WESLEY N. TAYLOR CO. "SINCE 1946"

• **COMMERCIAL-INDUSTRIAL BROKERAGE** •

180 Newport Center Drive
Suite 181
Newport Beach, CA 92660
(949) 644-4910
FAX (949) 640-1539

June 4, 2007

City of Costa Mesa
Planning Commission
77 Fair Drive
P O Box 1200
Costa Mesa, CA 92628-1200

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES

JUN - 6 2007

Gentlemen:

This office represents Robins Properties, the Buyer in Escrow, to purchase the Beacon Bay property at 2059 Harbor Boulevard, Costa Mesa, upon completion of the remediation work.

Remediation is in process on the property due to former underground storage tanks. The environmental contractors, C. James & Associates, Inc., are continuing with their remediation work on the property. Quarterly reports have been submitted to your office for review. According to recent conversations with the contractors it may be another 12 to 18 months before their work is completed and closure is obtained.

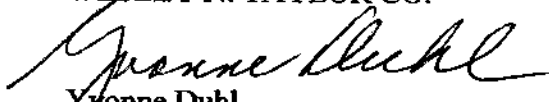
Enclosed is Robins Properties check in the amount of \$400 to cover the Condition Use Permit fee. Mailing labels have been ordered and will be delivered as soon as available.

On behalf of Robins Properties, we respectfully request a one-year term extension on the existing Condition Use Permit, PA-01-03 and PA-01-04. The existing Permit expires September 4, 2007. We request an extension of the same Permit until September 4, 2008.

Thank you for your cooperation.


Very truly yours,

WESLEY N. TAYLOR CO.


Yvonne Duhl
President

APPROVED:

ROBINS PROPERTIES

By 
Theodore Robins, Jr.
General Partner

cc Patrick Shea, Beacon Bay Properties

Remediation Status Report

C. JAMES & ASSOCIATES, INC.

"Protecting America's Resources"

**441 CALLE CORAZON
OCEANSIDE, CALIFORNIA 92057**

(760) 722-0050

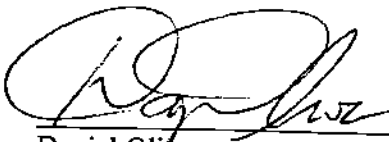
Fax (760) 722-0150

April 17, 2007

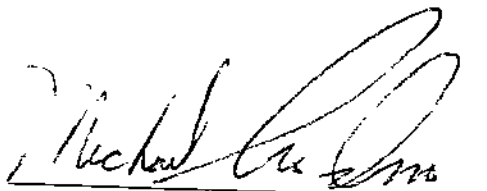
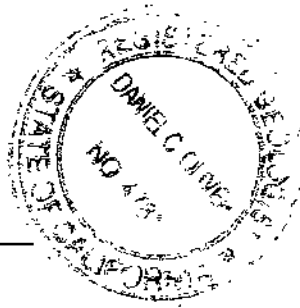
CJA_1q2007

Ms. Denamarie Baker
Orange County Health Care Agency
1241 E. Dyer Road, Suite 120
Santa Ana, California 92705-5611

**First Quarter 2007
Groundwater Monitoring Report
Beacon Bay Enterprises, Inc
2059 Harbor Boulevard
Costa Mesa, California 92626
OCHCA Case #99UT20**



Daniel Oliver
Registered Geologist 4781



Michael Anselmo
Engineering Manager

cc: Pat Shea, Beacon Bay Enterprises, Inc.
Ken Williams, Santa Ana Regional Water Quality Control Board
Bob Robins, Robins Properties
Dale Tanner, General Transmission

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DEFINITION OF TERMS

TPHg	Total Petroleum Hydrocarbons (as gasoline)
mg/L	milligrams per liter
ug/L	micrograms per liter
BTEX	benzene, toluene, ethylbenzene and xylenes
TPHd	Total Petroleum Hydrocarbons (as diesel)
USTs	Underground Storage Tanks
cfm	cubic feet per minute
ppmV	parts per million by volume
in. WC	inches of water column
MTBE	methyl-tert-butyl ether
TBA	tertiary butyl alcohol
DIPE	isopropyl ether
ETBE	ethyl-tert-butyl ether
in/Hg	inches of mercury column
in/H ₂ O	inches of water column

1.0 INTRODUCTION

This report presents the results of groundwater-monitoring well sampling/analyses, contaminant contouring and groundwater gradient assessment conducted during the first quarter of 2007 at the site of a former Beacon Bay Auto Wash. The site is located at 2059 Harbor Boulevard in Costa Mesa, California. A Site Vicinity Map is shown as **Plate P-1**. Locations of groundwater-monitoring wells and other site features are shown on the Generalized Site Plan, **Plate P-2**.

2.0 OBJECTIVES

The objectives of the current work were to record depth to groundwater, check for the presence of free product, collect and analyze groundwater samples collected from wells not containing free product and assess the current groundwater flow direction. This work is part of a quarterly groundwater monitoring program set up for this site.

3.0 BACKGROUND

An unauthorized release of petroleum hydrocarbons was encountered in February 1999, when four underground storage tanks (USTs) were removed from the subject property. Two 12,000-gallon, one 8,000-gallon, and one 6,000-gallon USTs were formerly located in the western portion of the site (**Plate P-2**). The tanks were used historically to store gasoline. Soil samples recovered from beneath the removed USTs, fuel dispensers, and product piping indicated the presence of petroleum-impacted soil. The maximum concentrations of TPHg (9,740 mg/kg) and MTBE (26,100 ug/kg) were detected in soil sample D4-2'. Due to the required dilution factor, the benzene concentration in this sample could not be quantified other than it was below 2,500 ug/kg.

In November 2000, CJA recovered 32 subsurface soil samples from six soil borings drilled in the vicinity of the former USTs. Soil samples were recovered at depths ranging from approximately 5

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feet to 35 feet below ground surface (bgs). Groundwater was encountered at depths ranging from approximately 20 to 35 feet bgs. The depth to groundwater at this location is estimated to be approximately 20 feet bgs. The maximum concentration of TPHg (390 mg/kg) was detected in the soil sample recovered from boring B-6 at 15 feet bgs. The maximum concentrations of MTBE (2,300 ug/kg) were detected in soil sample B-5-15' and B-6-15'.

In July 2001, CJA drilled 15 soil borings in the vicinity of the former UST's and dispenser islands. Soil samples were recovered at depths ranging from 5 feet to 30 feet below ground surface (bgs). Grab groundwater samples were collected from each of the 15 soil borings. Based upon the results of this investigation an interim remedial action plan was prepared.

In March 2002, CJA drilled 4 soil borings (SP16 to SP19) to 20 feet below ground surface (bgs) using hollow stem auger equipment. In addition, three groundwater monitoring wells designated as MW-1, MW-2 and MW-3 were installed.

On September 3, 2002 groundwater monitoring wells MW-1, 2 & 3 were surveyed by Don Thomas Land Surveying. Between the period November 6-8, 2002 C. James & Associates, Inc. installed eleven groundwater/extraction monitoring wells (designated as MW4 through MW14) and one sparge well (designated as AS1) as detailed on **Plate 2**.

Vapor pilot and positive pressure testing was conducted at the subject location November 15-17, 2002.

On January 31, 2003 fourteen groundwater monitoring wells were surveyed by Southern California Survey per GPS requirements.

In July 2003 underground piping for the vapor extraction and air sparge lines were installed. Permits

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from the City of Costa Mesa were submitted in July of 2003 and final permits for electrical and natural gas installation were issued on October 24, 2003. The SVE system was initiated on January 7, 2004. During the week of September 6, 2004 the air sparging system was installed and initiated.

On September 19-20, 2004, 7 groundwater monitoring wells were installed as approved in OCHCA correspondence dated August 10, 2004.

On December 30, 2004 the SVE system was terminated. Groundwater analyses had indicated that the targeted contaminants contained high levels of dissolved phase diesel. In addition, vapor analyses of air samples collected weekly had reached asymptotic conditions.

Groundwater in selected monitoring wells was being remediated by manual dual phase. Groundwater was lifted from the groundwater monitoring well via the SVE system vacuum and stored in 55-gallon DOT drums (30) and 275 gallon totes (12). Once the well had been evacuated a high vacuum was applied to the soil strata beneath the groundwater table.

4.0 SUMMARY OF ACTIVITIES

On March 7, 2007 personnel from C. James & Associates, Inc. measured depth to groundwater and checked for the presence of free product (non-purge) in groundwater-monitoring wells MW1 thru 14 (per OCHCA Correspondence dated December 22, 2006). Free product was observed in groundwater monitoring well MW-10 (4"). Procedures for sampling groundwater-monitoring wells are provided in **Appendix A**. Groundwater samples collected were analyzed for TPHd, TPHg, BTEX, and oxygenates in general accordance with the EPA Methods 8015B(M) and 8260B. Laboratory reports and chain of custody records are provided in **Appendix B**.

4.1 Groundwater Elevation Data

The depth to groundwater ranged from 16.23 to 17.10 feet below top of casing. The groundwater flow direction is illustrated on **Plate 3**. A summary of depth to groundwater is provided as **Table 1**.

4.2 Chemical Analyses

TPHg (gasoline) was detected in groundwater samples collected from groundwater-monitoring wells:

MW-1 (0.80 mg/L) MW-7 (6.8 mg/L) MW-8 (22 mg/L)
MW-9 (2 mg/L) MW-10 (Free Product 4")
MW-11 (0.16 mg/L) MW-12 (1 mg/L) MW-13 (0.11 mg/L)

TPHg concentrations, in groundwater, are summarized in **Table 2** and depicted on **Plate 4**.

TPHd (diesel) was detected in groundwater monitoring wells

MW-1 (49 mg/L) MW-8 (40 mg/L) MW-9 (5 mg/L)
MW-10 (Free Product 4") MW-12 (94 mg/L)

TPHd concentrations, in groundwater, are summarized in **Table 2** and illustrated on **Plate 5**.

Benzene was detected in groundwater samples collected from:

MW-1 (10 ug/L) MW-7 (4.0 ug/L) MW-8 (240 ug/L)
MW-9 (42 ug/L) MW-10 (Free Product 4")
MW-11 (3.2 ug/L) MW-12 (24 ug/L)

Benzene concentrations, in groundwater, are summarized in **Table 2** and illustrated on **Plate 6**.

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MTBE was detected in groundwater samples collected from:

MW-9 (150 ug/L)	MW-10 (Free Product 4")	MW-11 (5.8 ug/L)
MW-12 (51 ug/L)	MW-13 (64 ug/L)	MW-14 (45 ug/L)

MTBE concentrations, in groundwater, are summarized in **Table 2** and illustrated on **Plate 7**.

4.3 Free Product Removal

Free product was being hand bailed weekly as of February 6, 2003. Free product was stored onsite in 55-gallon DOT drums. **Table 6** details the thickness of free product encountered and the amount of groundwater evacuated from each groundwater monitoring well. Approximately every 4-6 weeks stored free product is evacuated from the 55-gallon drums via a vacuum truck. Approximately 2005 gallons of free product have been removed from this location. Due to the absence of free product hand bailing was discontinued on March 31, 2004.

4.4 Dual Phase Extraction

Dual Phase/Groundwater Extraction was conducted on November 19 and December 9 & 16, 2004 to ascertain if this method of remedial action was applicable to this location. Pursuant to OCHCA correspondence dated April 7, 2005 dual phase operations as specified in the CJA Report dated March 24, 2005 report commenced on May 4, 2005 and were conducted through December 2005. Dual phase operations were discontinued from the period January 1 through March 13, 2006 for system evaluation. Dual phase operations resumed on March 14, 2006 and are being conducted once per week. **Table 6** details the amount of groundwater (in gallons) extracted from each monitoring well. To date approximately 15,900 gallons of dissolved phase groundwater has been extracted/disposed from the site (through May 1, 2006). Groundwater extracted is being stored onsite in 275 gallon totes with a total storage of 4,500 gallons. The groundwater has been profiled as non-hazardous, thus drastically reducing the cost for disposal. Based upon correspondence

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received from the State of California Water Quality Control Board, Division of Financial Assistance
dual phase operations were discontinued on June 1, 2006.

5.0 OCHCA Correspondence dated December 22, 2007

C. James & Associates, Inc. is in receipt of the above-referenced correspondence.

- 1) High vacuum dual-phase extraction (HVDPE) will resume during May 2007. The necessary equipment is still currently being used at another location.

6.0 SCHEDULE

Quarterly groundwater sampling/analyses on all groundwater monitoring wells MW-1 through MW-21 is scheduled to be conducted in June 2007.

Should you need additional information regarding this report please contact C. James & Associates, Inc. at your convenience.

Draft Planning Commission Resolution

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING AN EXTENSION OF
TIME FOR PLANNING APPLICATIONS PA-01-03 AND PA-
01-04**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, a request was received by Patrick Shea, representing Beacon Bay Enterprises, Inc., owner of real property located at 2059 Harbor Boulevard, for a one-year extension of time for previously-approved conditional use permits to allow motor vehicle sales on the front half of the lot with an administrative adjustment to deviate from front landscape setbacks for auto display (20-foot landscape setback required, 15-foot landscape setback proposed); and to allow outdoor storage of motor vehicles on the rear half of the lot; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 13, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** the extension of time to **SEPTEMBER 4, 2008**, for Planning Applications PA-01-03 and PA-01-04 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification, or revocation if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 13th day of August, 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 13, 2007, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS (PA-01-03)**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the motor vehicle sales use proposed for the front portion of the site is consistent and compatible with the commercial uses on adjacent properties and motor vehicle sales uses elsewhere on Harbor Boulevard. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed project complies with applicable performance standards prescribed in the Zoning Code.
 - d. The project is consistent with the General Plan.
 - e. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The information presented substantially complies with Section 13-29(g)(1) and Section 13-144(b) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the administrative adjustment. Specifically, the strict application of the code-required landscaped setback would place the applicant at a competitive disadvantage to similar auto sales uses along Harbor Boulevard, many of which were approved with reduced landscape setbacks. Due to the speed and volume of vehicle traffic along Harbor Boulevard, auto sales uses require the display of vehicles be as close to the street as possible for maximum visibility. This creates a circumstance where approval of the administrative adjustment is justified. Granting the administrative adjustment will not allow a use, density, or intensity, which is not in accordance with the General Plan designation for the property.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of CEQA.
- E. The project, as conditioned, is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (PA-01-03)**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. Street addresses shall be displayed on the freestanding sign, or, if there is no freestanding sign, on the building fascia adjacent to the main entrance of the building in a manner visible to the public street. Street address numerals shall be a minimum 12 inches in height with not less than 3/4-inch stroke and shall contrast sharply with the background.
3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
4. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
5. The conditions of approval and ordinance or code provisions of Planning Application PA-01-03 shall be blueprinted on the face of the site plan.
6. The applicant shall contact the Planning Division to arrange for a planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
7. Street setback landscape planters shall be mounded to a high point of at least 24 inches with approved turf and/or ground cover on the street side front half of the planter and shrubbery plantings and trees on the back half.
8. Decorative wrought iron fences or masonry walls a minimum of 6 feet in height shall be constructed along the interior property lines. Chain link fencing shall not be permitted. Wall or fence color and material shall be subject to Planning Division approval.
9. Show method of screening for all ground-mounted mechanical

equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted mechanical equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.

10. Rooftop mechanical equipment shall not be permitted.
11. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
12. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement.
13. The use shall be limited to the sales, leasing, display and storage of motor vehicles. This conditional use permit does not authorize the service or repair of motor vehicles. Any use which has the effect of expanding or intensifying the use on the property shall be subject to review by the Planning Division and may require the approval of a new conditional use permit.
14. Employees and customers shall be required to park on-site.
15. There shall be no test driving of vehicles on residential streets.
16. The use of loudspeakers, public address and/or paging systems, and two-way radios shall be prohibited.
17. The applicant shall provide a minimum of 150 square feet of interior landscaping, subject to Planning Division approval.
18. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m. on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
- Trans. 19. Access to the rear (Charle Street) half of the site shall be limited to a single driveway; the location and width of the driveway to be determined by the Planning Division in conjunction with the applicant. The gate on the driveway shall be opaque and access shall be limited from 8 a.m. to 4p.m. Vehicle transport trucks are prohibited from loading or unloading on Charle Street.
- Eng. 20. Maintain the site and public right-of-way in a "wet-down" condition during construction to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
21. Until remediation is completed and improvements installed, the applicant shall provide a minimum 15-foot landscape setback along Charle Street and a 4-foot landscape setback along Harbor Boulevard, and shall provide a 6-foot high chain link fence with slats and planting material along the Charle Street frontage to form an opaque screen, to be replaced with a solid block wall when the site remediation is completed.

EXHIBIT "A"**FINDINGS- PA-01-04**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, vehicular access from Charle Street would be limited to a single driveway, and a solid 6-foot high decorative block wall and landscaping would be required across the entire property frontage. These requirements will ensure that storage of motor vehicles is compatible with the residential properties and future commercial development does not generate an increase in traffic on Charle Street that could adversely affect residential properties. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed project complies with applicable performance standards prescribed in the Zoning Code.
 - d. The project is consistent with the General Plan.
 - e. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project, as conditioned, is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (PA-01-04)**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. Street addresses shall be displayed on the freestanding sign, or, if there is no freestanding sign, on the building fascia adjacent to the main entrance of the building in a manner visible to the public street. Street address numerals shall be a minimum 12 inches in height with not less than 3/4-inch stroke and shall contrast sharply with the background.
3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
4. The applicant shall contact the Planning Division to arrange for a planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
5. The applicant shall provide a 15-foot landscaped setback along Charle Street.
6. Street setback landscape planters shall be mounded to a high point of at least 24 inches with approved turf and/or ground cover on the street side front half of the planter and shrubbery plantings and trees on the back half.
7. A permanent masonry wall a minimum of 6 feet in height shall be constructed behind the required landscape setback along Charle Street. Decorative wrought iron fences or masonry walls a minimum of 6 feet in height shall be constructed along the interior property lines. Chain link fencing shall not be permitted. Wall and fence colors and materials shall be subject to Planning Division approval.
8. Show method of screening for all ground-mounted mechanical equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted mechanical equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
9. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
10. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement.
11. Approval of this project is limited to the following use: sales, leasing, and

storage of motor vehicles. This conditional use permit does not authorize the service or repair of motor vehicles. Any use which has the effect of expanding or intensifying the use on the property shall be subject to review by the Planning Division and may require the approval of a new conditional use permit.

- 12. No storage of vehicles in a wrecked or dismantled condition shall be permitted.
- 13. No signage of any type, including, but not limited to, balloons, pennants, price signs, and banners, shall be placed along the Charle Street frontage or displayed on the stored vehicles.
- Trans. 14. Deleted.
- 15. Access to the rear (Charle Street) half of the site shall be limited to a single driveway; the location and width of the driveway to be determined by the Planning Division in conjunction with the applicant. The gate on the driveway shall be opaque and access shall be limited from 8 a.m. to 4p.m. Vehicle transport trucks are prohibited from loading or unloading on Charle Street.
- Eng. 16. Maintain the site and public right-of-way in a "wet-down" condition during construction to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
- 17. Deleted.
- 18. Deleted.
- 19. The applicant shall provide bi-annual reports of the status of the site remediation to the Planning Division for review.
- 20. Until remediation is completed and improvements installed, the applicant shall provide a minimum 15-foot landscape setback along Charle Street and a 4-foot landscape setback along Harbor Boulevard, and shall provide a 6-foot high chain link fence with slats and planting material along the Charle Street frontage to form an opaque screen, to be replaced with a solid block wall when the site remediation is completed.

Original Planning Commission Staff Report



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JULY 23, 2001

111.2.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATIONS PA-01-03 AND PA-01-04
2059 HARBOR BOULEVARD

DATE: JULY 17, 2001

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER (714) 754-5611

BACKGROUND

The above public hearing items were continued from the June 25, 2001, and July 9, 2001, Planning Commission meetings at the request of the applicant. A summary of the items follows:

Tentative Parcel Map PM-01-123

The parcel map to subdivide the property into two lots has been withdrawn by the applicant.

PA-01-03

The applicant is requesting approval of a conditional use permit to allow motor vehicle sales with an administrative adjustment to deviate from landscape setbacks for auto display (20-foot front landscape setback required, 15-foot landscape setback proposed).

PA-01-04

The applicant is requesting approval of a conditional use permit to legalize outdoor storage of motor vehicles with an administrative adjustment to deviate from landscape setbacks (15-foot rear landscape setback required, 10-foot landscape setback proposed).

APPLICANT

The applicant is Wesley N. Taylor, representing the property owner, Beacon Bay Enterprises, Inc.

PLANNING APPLICATION SUMMARY

Location: 2059 Harbor Boulevard Application: PA-01-03 and PA-01-04

Request: Conditional use permit to allow motor vehicle sales with an administrative adjustment from front landscape setbacks for auto display (20-foot landscape setback required, 15-foot landscape setback proposed) for the front half of the lot, and to legalize outdoor storage of motor vehicles with an administrative adjustment from rear landscape setbacks (15-foot landscape setback required, 10-foot landscape setback proposed) for the rear half of the lot.

SUBJECT PROPERTY:

Zone: C2
 General Plan: General Commercial
 Lot Dimensions: 121.28' x 364.44'
 Lot Area: 44,078 SF
 Existing Dev.: Vacant and existing motor vehicle storage

SURROUNDING PROPERTY:

North: C2, Commercial Uses
 South: C2, Commercial Uses
 East: (Across Harbor Blvd.) C1, Commercial Uses
 West: (Across Charle St.) R3, Multi-Family Residences

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	60 FT	121.28 FT
Lot Area	12,000 SF	44,078 SF
Floor Area Ratio:		
(Moderate Traffic FAR)	.30 FAR (13,177 SF)	.008 FAR (377 SF)
Building Height:		
	2 stories/30 FT	1 story/10 FT
Interior Landscaping (New):		
	150 SF	60 SF*
Setbacks (Building):		
Front	20 FT	85 FT
Side (left/right)	0 FT/15 FT	47 FT/50 FT
Rear	15 FT	258 FT
Setbacks (Landscaping):		
Harbor Blvd.	20 FT	15 FT**
Charle St.	15 FT	10 FT**
Parking:		
Standard	5	5
Handicapped	1	1
TOTAL:		
	6 Spaces	6 Spaces
Driveway Width:		
	25 FT	25 FT

*Staff is requiring the applicant to provide interior landscaping per code

**Applicant has requested approval of an administrative adjustment

CEQA Status: Exempt (Class 32)

Final Action: Planning Commission

Typically, variance applications to allow 10-foot landscaped setbacks have been approved for auto sales uses based on these circumstances (see table). When the Commission approved a variance from landscaped setbacks for a motor vehicle sales use at 2665 Harbor Boulevard via PA-00-06 (for which the applicant was recently granted an extension of time), Commission required a 15-foot landscape setback be provided.

Landscape Setbacks for Recently-Approved Auto Dealer Uses			
Case No.	Address	Deviation	Dealer Name
PA-00-06*	2665 Harbor Blvd.	20' required, 15' approved	N/A
PA-00-01	1989 Harbor Blvd.	20' required, 10' approved	Galaxy/Auto Club
PA-98-45	2901 Harbor Blvd.	20' required, 10' approved	Sterling Imports
PA-96-59**	2045 Harbor Blvd.	20' required, 20' approved	Toyota
PA-98-35	1970 Harbor Blvd.	20' required, 10' approved	Toyota

*This facility has not been constructed. A time extension was recently granted.

**A request to deviate from landscape setbacks was not proposed by the applicant.

PA-01-04

Theodore Robins Ford is currently utilizing the rear half of the site for excess storage of motor vehicles. Ford did not obtain approval from the City for the storage. The vehicle storage area is directly opposite residential properties on Charle Street, and is partially screened by an existing block wall. Two chain link gates access the two existing drive approaches on the street. The vehicle storage is clearly visible through the gates.

Because of the proximity of this half of the site to residential properties, staff is recommending, as a condition of approval, that vehicular access for the entire site be provided from Harbor Boulevard. No vehicular access from Charle Street would be permitted, the existing drive approaches would be required to be removed, and a solid 6-foot high decorative block wall and landscaping would be required across the entire property frontage.

The purpose of these requirements is to ensure that the storage of motor vehicles is compatible with the residential properties, and that future commercial development does not generate an increase in commercial vehicle traffic on Charle Street that could adversely affect residential properties.

At the June 25, 2001, Commission meeting, an adjacent property owner recommended that if the Commission were to allow vehicle access from Charle

Attachments: Applicant's Project Description and Justification
 Map of Landscape Setbacks on Charle Street and Harbor Blvd.
 Minutes from the June 25, 2001, Planning Commission Meeting
 Draft Planning Commission Resolution (PA-01-03)
 Exhibit "A" - Findings (PA-01-03)
 Exhibit "B" - Conditions (PA-01-03)
 Draft Planning Commission Resolution (PA-01-04)
 Exhibit "A" - Findings (PA-01-04)
 Exhibit "B" - Conditions (PA-01-04)
 Plans and Photo

c: Deputy City Manager - Dev. Svcs. Director
 Assistant City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Wesley N. Taylor
3 Civic Plaza, Suite 165
Newport Beach, CA 92660

Patrick Shea
Beacon Bay Enterprises, Inc.
3152 Redhill Avenue, Suite 230
Costa Mesa, CA 92626-3418

Nancy Mostaan
323 Promontory Drive East
Newport Beach, CA 92660

Planning Commission Meeting Minutes for July 23, 2001

Chair Foley also acknowledged her 10-year wedding anniversary.

Commissioner Perkins acknowledged his upcoming 2nd wedding anniversary.

CONSENT CALENDAR:

There were no items on the Consent Calendar for this date.

PUBLIC HEARINGS:

PARCEL MAP PM-01-123

Taylor/Shea

Parcel Map PM-01-123 for Wesley Taylor, authorized agent for Beacon Bay Enterprises, Inc./Patrick Shea, to subdivide an existing 1.01 acre commercial lot into 2 parcels, 22,039 square feet each, located at 2059 Harbor Boulevard in a C2 zone. Environmental determination: exempt.

Withdrawn

The application was withdrawn.

PLANNING APPLICATION

PA-01-03/PA-01-04

Taylor/Mostaan

The Chair opened the public hearing for consideration of Planning Application PA-01-03/PA-01-04 for Wesley Taylor, authorized agent for Beacon Bay Enterprises, Inc./Robins Properties and Nancy Mostaan, for a conditional use permit to establish a retail used car dealership on the front half and legalize a vehicle storage lot on the rear half of a commercial property formerly containing a car wash facility; with an administrative adjustment and a variance from setback requirements (20' required along both frontages; 15' proposed along Harbor Boulevard and 10' proposed along Charle Street), located at 2059 Harbor Boulevard in a C-2 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and recommended approval by adoption of Planning Commission resolution, subject to conditions.

Wesley Taylor, authorized agent, 3 Civic Center Plaza, Suite 165, Newport Beach, stated that they reviewed the report and are in agreement with staff's recommendations except for the following: conditions of approval: #7, the 2' landscape berm will obstruct the view of automobile display; he suggested a 1' wall or hedge around the planter; condition of approval #8, wrought iron fencing is preferred on the interior rather than block wall; and condition of approval #19, it is necessary to have access on Charle Street.

Mr. Taylor explained that access from Charle Street would be no more than what has been granted to other car dealerships; they are requesting one driveway and noted the applicant would install a solid gate similar to the Toyota gate to block the view; no vehicles would be unloaded on Charle Street; and the rear of the property would be used for new car inventory with restricted hours on use of the driveway. Mr. Taylor agreed to the conditions of approval as stated in the staff report with the exceptions discussed.

Chair Foley pointed out that staff's recommendation in condition of approval #8 was wrought iron fencing or block wall.

Mr. Lee clarified that these conditions apply to Planning Application PA-01-03 for the front portion of the site and the conditions for the rear portion are separate; that if any modifications are made to conditions 7, 8, and 19, PA-01-04 conditions 7, 14 and 15 would also need to be modified since 2 separate motions will be made on this application.

In response to a question from Chair Foley regarding the berm, Mr. Lee explained that this is a standard condition of approval for new development projects and requires front landscaping to be bermed a minimum of 2 feet from the sidewalk. It gives the landscaped area a

greater amount of visibility along the street and makes the overall streetscape more attractive. In the past, landscaping has been provided at grade, consisting of either a lawn area or ground cover which does provide a great deal of visibility at sidewalk level. It would be staff's preference for the applicant to provide a hedge treatment if the Commission chooses to eliminate the berm.

In response to a question from Commissioner Perkins, Chair Foley said the applicant was agreeable to a rear setback of 15' as proposed even though they had requested 10'.

In response to a question from Commissioner Garlich regarding the applicant's statement that the berm has not been the practice for automobile dealerships along Harbor Boulevard, Mr. Lee said standard practice in the past has been for the Planning Commission to grant exceptions for landscaping along street frontages for car dealers. Code would require a 20' bermed setback – the Commission has granted reduced widths anywhere from 10 to 15 feet (he referenced a map included in the Commission packets showing existing landscaped areas along Harbor Boulevard, the most recent being Toyota).

Commissioner Garlich asked Mr. Taylor about his statement that access on Charle Street is a "necessity." Mr. Taylor explained that for a lot as deep as this one, it is impractical to have all ingress and egress from one street. It is a common and good practice to grant access from both streets. He felt it was expensive and inconvenient to continually move vehicles in and out with that kind of depth. The access on Charle Street will be used for internal use only and there would be no service there – it would be sales and storage.

There was discussion between the Commission, staff, and applicant regarding access restricted to Harbor Boulevard and traffic coming from Theodore Robins Ford across the street to the site driveway. There was also discussion regarding exiting the site in the southbound direction only, and traffic conditions on Harbor Boulevard.

In response to a question from Chair Foley, Transportation Services Manager Peter Naghavi stated that no traffic analysis was made relating to this project. He commented that the condition with this driveway, is not much different from hundreds of other driveways along Harbor Boulevard, as far as safety and accessibility is concerned. He said they are correct in that when coming out of that driveway, a left turn cannot be made over the double/double yellow lines. He did not believe there were any routes other than previously discussed.

Melanie Ritchey, 11765 Gladstone Circle, Fountain Valley, on behalf of the owner and residents of 2043 Charles Street, Villa Nova Townhomes complex, stated they did not have a problem with the use. She said they were requesting the 20-foot landscaping setback be required on Charle Street. Chair Foley clarified that code requires a 15-foot setback.

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, spoke in favor of the berm.

There was discussion between Commissioner Davenport and staff regarding the possibility of raising the grade of the display area and still retain the berm.

No one else wished to speak and the Chair closed the public hearing.

MOTION 1:
PA-01-03
Approved

A motion was made by Commissioner Davenport, seconded by Commissioner Garlich and carried 3-1 (Katrina Foley voted no) to based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modification:

Condition of Approval

19. Access to the rear (Charle Street) half of the site shall be ~~provided from Harbor Boulevard~~ limited to a single driveway; the location and width of the driveway to be determined by the Planning Division in conjunction with the applicant. The gate on the driveway shall be opaque and access shall be limited from 8 a.m. to 4 p.m. Vehicle transport trucks are prohibited from loading or unloading on Charle Street.

During the motion Chair Foley asked the maker of the motion to consider changing the setback to 20' instead of 15' because of concern for residents on Charle Street. Commissioner Davenport did not agree because the majority of surrounding setbacks were 15' and it was within code.

SUBSTITUTE MOTION:
Failed for lack of a second

A motion was a made by Chair Foley to approve the staff recommendations and the motion died for lack of a second.

Commissioner Perkins said he was also concerned about impacts on residents, however, he asked the maker of the first motion to reduce the hours of operation by one hour and Commissioner Davenport agreed.

Chair Foley again requested the additional 5' for the setback area because she said there is a movement on Charle Street to make those rear setbacks, front setbacks and that the goal is to try to push those setbacks to 20 feet to provide a greater buffer for residents on Charle Street. Commissioner Davenport said he did not know there was a trend to go to 20'; that there are no "through" lots and the setback along Charle Street is a rear setback and within code. There was discussion between Chair Foley and Commissioner Davenport regarding those lots and they reviewed the setback footage on each of the current undeveloped lots. Commissioner Davenport said he was not interested in conditioning more than the ordinance requires.

MOTION 2:
PA-01-04
Approved

A motion was made by Commissioner Davenport, seconded by Commissioner Garlich and carried 3-1 (Katrina Foley voted no) to approve PA-01-04, but deny the request for landscape setback deviation, by adoption of Planning Commission Resolution PC-01-32, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

Conditions of Approval

14. *Deleted.*
15. Access to the rear (Charle Street) half of the site shall be ~~provided from Harbor Boulevard~~ limited to a single driveway; the location and width of the driveway to be determined by the Planning Division in conjunction with the applicant. The gate on the driveway shall be opaque and access shall be limited from 8 a.m. to 4 p.m. Vehicle transport trucks are prohibited from loading or unloading on Charle Street.

Chair Foley explained the appeal process.

City Council Meeting Minutes of September 4, 2001

Budget Adjustment No. 02-06 for \$1,004,420.00.

MOTION/Continued
to September 17,
2001

A motion was made by Council Member Robinson, seconded by Council Member Monahan, and carried 4-0, to continue this item to the meeting of September 17, 2001.

* PUBLIC HEARING
Appeal of PA-01-03
and PA-01-04, Taylor

The Deputy City Clerk presented an application from Mayor Cowan appealing the Planning Commission's decision for Planning Applications PA-01-03 and PA-01-04, for Wesley N. Taylor, 3 Civic Plaza, Suite 165, Newport Beach, authorized agent for Beacon Bay Enterprises, Inc./Robins Properties, 3152 Red Hill Avenue, Suite 230, Costa Mesa, and Nancy Mostaan, 323 Promontory Drive East, Newport Beach, for a conditional use permit to establish a retail used car dealership on the front half, and to legalize a vehicle storage lot on the rear half of a commercial property formerly containing a car wash facility; with an administrative adjustment and a variance from setback requirements (20 feet required along both frontages, 15 feet proposed along Harbor Boulevard, and 10 feet proposed along Charle Street), located at 2059 Harbor Boulevard, in a C-2 zone. Environmental Determination: Exempt. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. No communications were received. Mayor Cowan indicated that after review, she is satisfied with the Planning Commission's action but was unable to withdraw the appeal in time.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, reported that he had attended the Planning Commission meeting at which time he supported installation of a berm along the front of the project. He commented that it would improve the appearance of Harbor Boulevard.

Allan Mansoor, 2973 Harbor Boulevard, No. 406, Costa Mesa, concurred with Mr. Millard, and asked that Council ensure that in this and future projects, premium buildings are the result.

Theodore Robins stated that the project will be landscaped but the property has not been raised to accommodate a berm. Council Member Robinson believed that this is an opportunity to upgrade the area with 20-foot landscaping in the front, and asked the applicant if the additional five feet would actually prevent the public from viewing the car dealership. Mr. Robins encouraged the 15-foot setback as approved by the Planning Commission. Council Member Steel asked Mr. Robins to discuss the berm with Mr. Mansoor and/or Mr. Millard. There being no other speakers, the Mayor closed the public hearing.

MOTION/Adopted
Resolutions 01-58
and 01-59

On motion by Mayor Cowan, seconded by Council Member Monahan, and carried 4-0, the following resolutions were adopted affirming the decision of the Planning Commission:

Resolution 01-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-01-03.

Resolution 01-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-01-04.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,

PLEASE CONTACT THE PLANNING COMMISSION

SECRETARY AT (714) 754-5088.